

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD EUGENE MOYER, JR.,

Petitioner,

Case No. 1:14cv23

v.

Hon. Robert J. Jonker

SHIRLEE HARRY,

Respondent.

ORDER
APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on February 24, 2014. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed February 24, 2014, is approved and adopted as the opinion of the court.

IT IS ORDERED that Petitioner's motion for equitable tolling (docket #3) is **DENIED**.

IT IS ORDERED that the habeas corpus petition is **DENIED** as it is barred by the one-year statute of limitations.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**. See *Slack v. McDaniel*, 529 U.S. 473 (2000).

/s/Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: March 20, 2014